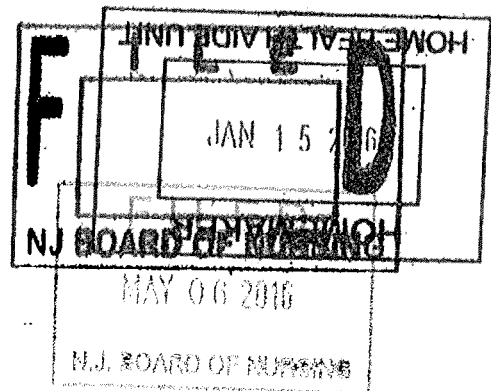


JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board of Nursing

By: Shirley Dickstein
Deputy Attorney General
(973) 648-7093



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Saumil K. Patel, C.H.H.A.
Certificate No. 26NH12677700

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF
DISCIPLINE

☒ FINAL ORDER OF DISCIPLINE
(Finalized by default
on May 6, 2016 5/6/16)

HOMEMAKER-HOME HEALTH AIDE
IN THE STATE OF NEW JERSEY

FINAL

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1 Saumil K. Patel ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto. (Exhibit A).

2. The Board received flagging notices indicating that Respondent was arrested on January 16, 2014 and again on June 16, 2014, each time for violation of N.J.S.A. 2C:35-10A(4), Possession of Less than 50 Grams Marijuana. The Board received information that the first arrest had been dismissed by the court and/or downgraded to local ordinance violations and the Board closed this matter. The disposition of the second arrest is unknown.

3. The Board received a third flagging notice indicating that Respondent was arrested on February 25, 2015 by the Edison Police Department for violation of N.J.S.A. 2C:35-10A(1), Possession of Controlled Dangerous Substance or Analog, and N.J.S.A. 2C:36-2, Possession of Drug Paraphernalia. (Exhibit B). A letter of inquiry was not sent to Respondent because days later he was arrested again.

4. Upon receipt of a fourth flagging notice indicating that Respondent was arrested on March 5, 2015 by the Metuchen Police for violation of N.J.S.A. 2C:35-10A(1) Possession of Controlled Dangerous Substance or Analog, N.J.S.A. 2C:36-6, Possession/Distribution Hypodermic Needle, and N.J.S.A. 3C:36-2, Possession of Drug Paraphernalia, the Board sent a letter of inquiry to Respondent on March 13, 2015 and requested certain information about the arrest, as well as other information,

including a narrative statement. The certified mailing was sent to Respondent's address of record in Somerset, New Jersey, via regular and certified mail. The certified mailing was returned as "Unclaimed." The regular mailing was not returned. Respondent did not reply. (Exhibit C).

5. On May 20, 2015, the Board received a fifth flagging notice indicating that on May 19, 2015, Respondent was found guilty in Edison Township Municipal Court of violation of N.J.S.A. 2C:35-10A(4) Possession of Less than 50 Grams of Marijuana/Hash. His driver's license was revoked for six (6) months and he was assessed a fine of one thousand two hundred eight dollars (\$1,208). This conviction was the result of the January 16, 2014 arrest. (Exhibit D). Apparently, the information that the Board had previously received that this arrest was dismissed or downgraded was incorrect.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information about the arrest on March 5, 2015 constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Respondent's recent conviction is a violation of N.J.S.A. 45:1-21(f), subjecting Respondent to disciplinary action.

Certified homemaker-home health aides provide care to some of the most vulnerable members of our society - the infirm elderly. They have unfettered access to the homes, personal possessions, bank accounts and credit cards of their elderly patients. Possible addiction to illegal substances or alcohol raise particular concern as certificate holders who have not obtained appropriate treatment may pose a risk to the safety and security of those individuals entrusted to their care.

Respondent's arrests and conviction for drug related conduct combined with his lack of cooperation with the Board's inquiry are sufficient indication that Respondent's continued practice as a homemaker home health aide may jeopardize the safety and welfare of the public such that diagnostic testing and monitoring or psychological evaluation are warranted as a condition of continued certification pursuant to N.J.S.A. 45:1-22(e) and (f) and N.J.S.A. 45:1-21(1).

ACCORDINGLY, IT IS on this 15 day of January, 2016
ORDERED that, UPON THE FILING OF A FINAL ORDER OF
DISCIPLINE:

1. Respondent's certificate to practice as a homemaker-home health aide will be suspended for a minimum of two (2)

years from the date of the filing a FINAL ORDER OF DISCIPLINE and until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's letter of inquiry, addresses the circumstances of all of his other arrests and demonstrates compliance with paragraph 2 below.

2. Respondent shall:

- a. Provide the Board with evidence that he is capable of discharging the functions of a certificate holder in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from the use of any addictive substance which could affect his practice.
- b. Provide the Board with an in-depth, current evaluation from a licensed clinical alcohol and drug counselor or psychiatrist or psychologist knowledgeable in addiction therapy who is aware of the circumstances of Respondent's arrest and this Provisional Order of Discipline and who has been pre-approved by the Board. Respondent shall provide documentation that he has complied with all recommendations of the licensed clinical alcohol and drug counselor or psychiatrist or psychologist.
- c. Affirmatively establish his fitness, competence and capacity to re-enter the active practice as a certified homemaker-home health aide within New Jersey.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall refrain from engaging in the practice as a homemaker-home health aide and shall not represent himself as a

homemaker-home health aide until such time as his certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

4. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall promptly, within 5 (five) days, mail his certificate, wall and wallet version, to practice as a homemaker-home health aide to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101.

5. Respondent is provisionally assessed a civil penalty in the amount of seven hundred dollars (\$700), consisting of two hundred dollars (\$200) for failure to cooperate with the Board's inquiry and five hundred dollars (\$500) for the conviction. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to Twalema Khonje, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate

of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

6. The within order shall be subject to finalization by the Board at 5:00 p.m. on the 30th day following entry hereof unless Respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

- a) Submitting a written request for modification or dismissal to Twalema Khonje, State Board of Nursing, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a FINAL ORDER OF DISCIPLINE will be entered.

8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard

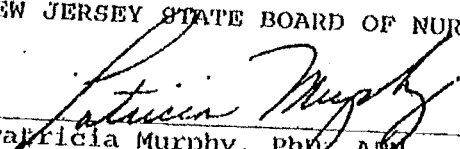
thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

9. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order of Discipline, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

10. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, RN
President